IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17262 OF 2005

Dated : 4th August, 2005

Between:

Seelam Satyanarayana

Petitioners

AND

The District Collector,

Machilipatnam, Krishna District and two others.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17262 OF 2005

ORAL ORDER:

Assailing the proceedings Rc. B/246/05 dated 29.6.2005 issued by the second respondent as illegal, unconstitutional and against the principles of natural justice and to consequently direct the respondent not to interfere with the peaceful possession and enjoyment of the lands over an extent of Ac.1.43 cents in RS No. 427/1 in Bomminempadu village, Mudinepalli Mandal, Krishna District, the petitioner filed this writ petition.

The case of the petitioner is that his father purchased an extent of Ac.1.43 cents on 1.1.1986 and after the demise of his father, the petitioner is in possession and enjoyment of the land and the 2nd respondent has issued pattedar passbook and the respondents have been receiving the taxes. While so, all of a sudden, the 2nd respondent issued the impugned proceedings evicting the petitioner from the schedule lands under the provisions of A.P. Assigned Lands (Prohibition of Transfer) Act, 1977, without issuing any prior notice to the petitioner. It is contended by the petitioner that the assignment was made in the year 1971 and the Act came into force in the year 1977 and as such the provisions of the Act are not applicable to the lands in question.

When this writ petition is listed for admission, the learned Government Pleader for Revenue took an objection with regard to the maintainability of the writ petition on the ground that there is an appeal provided under Sec. 4(A) of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 before the Revenue Divisional Officer and, therefore, the writ petition is not maintainable.

Admittedly, the petitioner did not avail alternative efficacious remedy provided under the Act and straightaway approached this court invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, the writ petition is not maintainable and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

August 4, 2005

MAS